

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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No.: ICC-01/05-01/08
Date: 23 August 2016

TRIAL CHAMBER III

Before: Judge Joyce Aluoch, Presiding Judge
Judge Geoffrey Henderson
Judge Chang-ho Chung

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
IN THE CASE OF
THE PROSECUTOR
V. JEAN-PIERRE BEMBA GOMBO**

**Public Redacted Document
with**

Confidential, *EX PARTE*, only available to Prosecution, Annex A

**Public redacted version of “Prosecution’s Application for Redactions pursuant to
Rule 81(2) of the Rules of Procedure and Evidence”, 22 October 2014,
ICC-01/05-01/08-3172-Conf**

Source: The Office of the Prosecutor

Document to be notified in accordance with Regulation 31 of the *Regulations of the Court* to:

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I. Introduction

1. The Office of the Prosecutor ("Prosecution" or "OTP") herewith submits an application for redactions pursuant to Rule 81(2) of the Rules of Procedure and Evidence ("Rules") ("Application"). On 21 October 2014, the Trial Chamber III ("Chamber") ordered the Prosecution to disclose an unredacted or lesser redacted version of document CAR-OTP-0083-1327¹ with justification for the remaining redactions if applicable.²

II. Request for Confidentiality

2. The Prosecution requests that this Application be received as "Confidential" as it relates to a decision of the Chamber that bears the same classification. The Prosecution requests that Annex A, which contains an unredacted version of CAR-OTP-0083-1327, be received as "Confidential, *EX PARTE*, only available to..." in accordance with Rule 81(2) as it contains confidential information that should not be released to the Defence at this stage.

III. Submissions

3. The Prosecution seeks to maintain very minimal redactions – the partial redaction of one email address (username only), which appears twice in the document CAR-OTP-0083-1327. All other email addresses and the remaining content of the document are available to the Defence unredacted. In accordance with Rule 81(2) of the Rules, the Prosecution requests that the redactions to the username be maintained due to its implications for the OTP's witness protection operations in general across the various situations and therefore its on-going investigations.

¹ This document was disclosed to the Defence on ...

² ICC-01/05-01/08-3167-Conf, Decision on "Defence Urgent Motion for disclosure of materials relating to P-169 and remedies for non-disclosure" (ICC-01/05-01/08-3159-Conf), 21 October 2014, para. 35.

4. The Prosecution submits that disclosure of the email username may cause prejudice to on-going investigations and OTP operations. [REDACTED].

5. In accordance with the Chamber's decision, a lesser redacted version revealing the email domain name was provided to the Defence. The Prosecution submits that disclosure or future dissemination of this information is a factor that must be considered for the purposes of a security risk assessment to determine the [REDACTED]. The Defence is not prejudiced nor is it inconsistent with the rights of the Accused and a fair and impartial trial. The redactions are limited and strictly necessary. Moreover, maintaining the sole and partial redaction to the email address username is not prejudicial to the Defence as they can question CAR-OTP-PPP-00169 on the substance of all other information in the content, including the other addressees if necessary. The only fact, which is of limited consequence, is that the Defence will not know the specific username of an email address that is not replicated elsewhere for purposes of forming a pattern, for example. As the Defence has the partial email address, if it believes otherwise, it can raise any specific issues or cross-check the information on that basis alone.

IV. Relief Sought

6. The Prosecution requests the Chamber to maintain the redactions requested in this Application.



Fatou Bensouda, Prosecutor

Dated this 23rd August 2016

At The Hague, The Netherlands